

House File 259 - Introduced

HOUSE FILE 259

BY WINDSCHITL

A BILL FOR

1 An Act relating to the carrying, possession, or transportation
2 of weapons on school grounds, at places of employment,
3 at certain entertainment venues owned or operated by a
4 political subdivision, and in county courthouses.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.4B, subsection 2, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* A person who has in the person's
4 possession a valid permit to carry weapons issued pursuant
5 to section 724.7 and remains on the portion of the grounds
6 of the school that comprise its driveways, parking lots, and
7 sidewalks while going armed with, carrying, or transporting a
8 concealed pistol or revolver. A school shall be immune from
9 any claim, cause of action, or lawsuit by a person seeking
10 damages that are alleged, directly or indirectly, as a result
11 of any concealed pistol or revolver brought onto the grounds of
12 a school by a person pursuant to this paragraph.

13 Sec. 2. NEW SECTION. **724.4D Limitation on employers —**
14 **firearms and ammunition.**

15 1. For purposes of this section, "*employee*" includes a
16 contract employee or volunteer.

17 2. An employer shall not prohibit an employee from carrying,
18 transporting, or possessing a firearm or ammunition, if the
19 firearm and ammunition are out of sight and inside the locked
20 motor vehicle of the employee on the real property comprising
21 the employee's place of employment, and if the carrying,
22 transportation, or possession of the firearm or ammunition is
23 otherwise lawful under the laws of this state.

24 3. An employer, owner, or lawful possessor of the property
25 on which the employer is located shall be immune from any
26 claim, cause of action, or lawsuit brought by any person
27 seeking damages that are alleged, directly or indirectly, as a
28 result of any firearm or ammunition brought onto the property
29 of the employer, owner, or lawful possessor by an employee
30 pursuant to this section.

31 Sec. 3. Section 724.28, subsections 2 and 3, Code 2019, are
32 amended to read as follows:

33 2. A political subdivision of the state shall not enact
34 an ordinance regulating the ownership, possession, legal
35 transfer, lawful transportation, modification, registration, or

1 licensing of firearms, firearms attachments, or other weapons
 2 when the ownership, possession, transfer, ~~or~~ transportation, or
 3 modification is otherwise lawful under the laws of this state.
 4 An ordinance regulating firearms, firearms attachments, or
 5 other weapons in violation of this section existing on or after
 6 April 5, 1990, is void.

7 3. If a political subdivision of the state, prior to,
 8 on, or after July 1, ~~2017~~ 2019, adopts, makes, enacts, or
 9 amends any ordinance, measure, enactment, rule, resolution,
 10 motion, or policy regulating the ownership, possession, legal
 11 transfer, lawful transportation, modification, registration, or
 12 licensing of firearms, firearms attachments, or other weapons
 13 when the ownership, possession, transfer, transportation,
 14 modification, registration, or ~~license~~ licensing of firearms,
 15 firearms attachments, or other weapons is otherwise lawful
 16 under the laws of this state, a person adversely affected by
 17 the ordinance, measure, enactment, rule, resolution, motion, or
 18 policy may file suit in the appropriate court for declaratory
 19 and injunctive relief ~~for damages~~ and all damages, including
 20 punitive damages, attributable to the violation. A court
 21 shall also award the prevailing plaintiff in any such lawsuit
 22 reasonable attorney fees and litigation costs.

23 Sec. 4. Section 724.28, Code 2019, is amended by adding the
 24 following new subsection:

25 NEW SUBSECTION. 4. A political subdivision of the state
 26 may prohibit the carrying, possession, or transportation
 27 of firearms, firearms attachments, or other weapons at
 28 an entertainment venue owned or operated by the political
 29 subdivision if such prohibition is contractually required by a
 30 performer, speaker, lecturer, or event sponsor as a condition
 31 of their performance, speech, lecture, or event at the
 32 entertainment venue and if provisions are made at the venue to
 33 screen attendees for firearms, firearms attachments, or other
 34 weapons and to provide armed security personnel. For purposes
 35 of this subsection, "*entertainment venue*" includes but is not

1 limited to concert halls, auditoriums, theaters, sports arenas,
2 and other facilities primarily used for stage performances,
3 musical performances, lectures, speeches, sporting events, and
4 other similar presentations.

5 Sec. 5. NEW SECTION. **724.32 County courthouse — weapon**
6 **prohibitions.**

7 A supreme court or judicial branch order prohibiting a
8 person from carrying, possessing, or transporting a weapon in
9 a county courthouse or other joint-use public facility, other
10 than in a courtroom or court office, shall be unenforceable, if
11 the carrying, possession, or transportation of such a weapon is
12 otherwise lawful under the laws of this state.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the carrying, possession, or
17 transportation of weapons on school grounds, at places of
18 employment, at certain entertainment venues owned or operated
19 by a political subdivision, and in county courthouses.

20 Current law provides that a person who goes armed with,
21 carries, or transports a firearm of any kind, whether concealed
22 or not, on the grounds of a school (public or nonpublic)
23 commits the criminal offense of carrying firearms on school
24 grounds, except under certain circumstances. Carrying firearms
25 on school grounds in violation of Code section 724.4B is a
26 class "D" felony. Under the bill, a person does not commit
27 the criminal offense of carrying firearms on school grounds
28 in violation of Code section 724.4B if the person possesses a
29 valid permit to carry weapons while remaining on the portion
30 of the grounds that comprise the driveways, parking lots, and
31 sidewalks of a school while going armed with, carrying, or
32 transporting a concealed pistol or revolver. The bill also
33 provides that a school is immune from any claim, cause of
34 action, or lawsuit seeking damages alleged as a result of a
35 concealed pistol or revolver brought onto the grounds of the

1 school by a person possessing a valid permit to carry weapons
2 who remains on the portion of the grounds that comprise the
3 driveways, parking lots, and sidewalks of the school.

4 The bill prohibits an employer from prohibiting an employee
5 from carrying, possessing, or transporting a firearm or
6 ammunition on the real property comprising the employee's place
7 of employment if the firearm or ammunition is out of sight
8 and inside the locked motor vehicle of the employee and if
9 the carrying, transportation, or possession of the firearm or
10 ammunition is otherwise lawful under the laws of this state.
11 The bill defines "employee" to include a contract employee or
12 volunteer. The bill also provides that an employer, owner,
13 or lawful possessor of the property on which the employer is
14 located is immune from any claim, cause of action, or lawsuit
15 seeking damages alleged as a result of any firearm brought onto
16 the property of the employer, owner, or lawful possessor on
17 which the employer is located by an employee.

18 Current law provides that a political subdivision shall not
19 enact, adopt, make, or amend any ordinance, measure, enactment,
20 rule, resolution, motion, or policy that regulates the
21 ownership, possession, legal transfer, lawful transportation,
22 registration, or licensing of firearms when the ownership,
23 possession, transfer, transportation, registration, or license
24 is otherwise lawful, and that a person adversely affected
25 by such an ordinance, measure, enactment, rule, resolution,
26 motion, or policy may file suit in the appropriate court for
27 declaratory and injunctive relief for damages. The bill
28 extends this prohibition to modifications and further provides
29 that the prohibition applies to firearm attachments and other
30 weapons. The bill provides that a person adversely affected
31 may also file a lawsuit for damages, including punitive
32 damages, attributable to the violation and, if successful, a
33 court shall also award the person adversely affected reasonable
34 attorney fees and litigation costs.

35 The bill provides an exception to the prohibition of

1 firearms, firearms attachments, and other weapons regulated
2 by a political subdivision of this state if the regulation
3 concerns an entertainment venue owned or operated by a
4 political subdivision and if the regulation is requested by a
5 performer, speaker, lecturer, or event sponsor as a condition
6 of their performance, speech, lecture, or event at the
7 entertainment venue and if provisions are made at the venue to
8 screen attendees for firearms, firearms attachments, and other
9 weapons and to provide armed security personnel. The bill
10 defines "entertainment venue" to include but not be limited
11 to concert halls, auditoriums, theaters, sports arenas, and
12 other facilities primarily used for stage performances, musical
13 performances, lectures, speeches, sporting events, and other
14 similar presentations.

15 The bill provides that a supreme court or judicial branch
16 order that prohibits a person from carrying, possessing, or
17 transporting a weapon in a county courthouse or other joint-use
18 public facility, other than in a courtroom or a court office,
19 shall be unenforceable as long as the carrying, possession, or
20 transportation of such a weapon is otherwise lawful under the
21 laws of this state.